



Election / #11
3/26/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ANDERSEN et al

Art Unit: 1653

Serial Number: 09/581,511

Examiner: D. Lukton

Filed: October 6, 2000

Atty. Docket No. 108281-00000

For: HEMIASTERLIN ANALOGS

RESPONSE TO RESTRICTION REQUIREMENT RECEIVED

Commissioner of Patent
Washington, D.C. 20231

MAR 20 2002
March 19, 2002
TECH CENTER 1600/2900

Sir:

In response to the Office Action mailed February 20, 2002, the applicants hereby elect Group V, with traverse. Furthermore, for an elected species, the applicants elect compound SPA 110, the structure of which will be found on page 29 of the specification. This compound is covered by all claims in the elected Group V, with the exception of Claims 8 and 9.

This application was filed under 35 USC 371 and, accordingly, the PCT unity of invention rules apply. The Examiner's attention is drawn to the fact that MPEP §1800, et seq. is binding on this proceeding rather than MPEP §800, et seq. Specifically, MPEP §1893.03(d) is applicable to this national stage application, as MPEP §1850 governs only the international stage of prosecution.

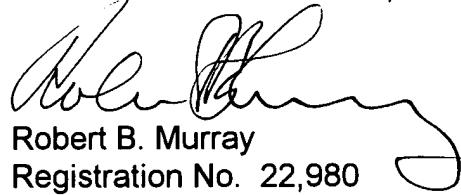
The Examiner's attention is directed to 37 CFR 1.475 and 1.499. In particular, the applicants respectfully submit that Groups II, III, and IV be examined together with Group V under 37 CFR 1.475(b)(1). The invention of Group II is for a process of manufacturing the

product of Group V. That the process be "specially adapted" does not imply that the product of Group V could not also be manufactured by a different process. See MPEP §1893.03(d). The Examiner's reliance upon the requirements for review of independent claims over the prior art at the international stage is misplaced at this stage of the prosecution. Therefore, it seems the determination of lack of unity between Groups II and V is in error. Furthermore, because Groups III and IV are so linked as to form a general inventive concept with Group II (see 37 CFR 1.475(a)), applicants assert the determination of lack of unity with respect to Groups III and IV was also made in error. Accordingly, it is requested that the Restriction Requirement be completely withdrawn.

Applicants therefore respectfully request early and favorable consideration on the merits of all claims.

In the event any fees are required, please charge counsel's Deposit Account No. 01-2300.

Respectfully submitted,
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